

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUVINA M. MARTINBEAULT, on Behalf
of R.J.M.,

Plaintiff,

vs

1:07-CV-1297

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

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& KENDALL, LLP
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SANDRA M. GROSSFELD, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

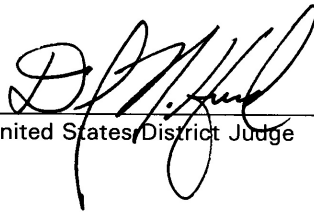
Plaintiff filed this action in December 2007, seeking judicial review of the Commissioner's denial of benefits pursuant to 42 U.S.C. § 405(g) and 1383(c)(3). By Report-Recommendation dated October 27, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the decision of the Commissioner be reversed, and that the case be remanded to the Commissioner pursuant to sentence four of 42 U.S.C.

§ 405 (g) for further administrative proceedings consistent with the Report and Recommendation. The defendant has filed objections to the Report-Recommendation.

Based upon a de novo determination of the portions of the report and recommendations to which the defendant has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that the decision of the Commissioner is REVERSED and the case is REMANDED for further administrative proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.


United States District Judge

Dated: December 14, 2009
Utica, New York.